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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 12946/2025 and CM APPL.52896/2025 (Stay)

SUBHASH CHANDER MALHOTRA

.....Petitioner

Through: Ms. Riya Arora and Ms. Annanya
Singh, Advocates.

versus

RAMAN MALHOTRA & ORS.

.....Respondents

Through: Ms. Nitika Bhutani, Adv. for R-3 and
R-5 (GNCTD).

Ms. Saumya Tandon, CGSC along
with Mr. Gaurav Singh Sengar, Adv.
for R-4 (Police Station GK-1).

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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26.08.2025

CM APPL.52897/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 12946/2025

3. The petitioner is a senior citizen aged about 84 years and is an absolute and lawful owner of the property situated at 24-B, Masjid Moth, MIG Flats, Phase-1, Delhi – 110048.
4. It is stated that the petitioner resides in the said property with his son, Mr. Raman Malhotra (Respondent No.1), daughter-in-law, Ms. Ruchi Malhotra (Respondent No.2) and grand-daughter. It is submitted that the petitioner had been subjected to untold harassment and ill-treatment by the respondent nos.1 and 2.
5. In the circumstances, the petitioner was constrained to file a



complaint / petition under Section 4 and 5 of the Maintenance and Welfare for Parents and Senior Citizens Act, 2007, read with Rule 22 (3)(1)(i) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 seeking eviction as well as maintenance from the respondent nos.1 and 2 herein.

6. The said complaint came to be dismissed by the concerned District Magistrate (South) *vide* order dated 25.08.2023.

7. The petitioner thereafter, filed an appeal against the order dated 25.08.2023. It is the grievance of the petitioner that the Appellate Authority did not decide the matter on merits despite the glaring facts of the present case, and instead again remanded the matter back to the District Magistrate (South) for inquiry into the ill-treatment and respective claims.

8. It is submitted that the petitioner has been suffering immensely since the past many years and irreparable prejudice would be caused to him if the adjudication of the matter starts *de novo*. It is further submitted that the petitioner is being continuously threatened by his son and daughter-in-law, and genuinely apprehended a threat to his security.

9. Issue notice.

10. Learned counsel, as aforesaid, accept notice on behalf of the respondent nos. 3, 4 and 5.

11. Learned counsel for the Government of NCT of Delhi is directed to take instructions as to the status of the adjudication of the matter before the District Magistrate (South).

12. Let notice be issued to the respondent nos.1 and 2, through all permissible modes, including electronically. *Dasti* in addition.

13. In the meantime, the concerned SHO /respondent no.4 shall render



every possible assistance to the petitioner to obviate any threat that may be faced by the petitioner from the respondent nos.1 and 2.

14. Let the concerned SHO remain present in Court on the next date of hearing.

15. List on 17.09.2025, in the category of “*Admission Matters*”.

SACHIN DATTA, J

AUGUST 26, 2025/r